

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PRCM ADVISERS LLC, PINE RIVER  
CAPITAL MANAGEMENT L.P., and PINE  
RIVER DOMESTIC MANAGEMENT L.P.,

Plaintiffs,

v.

TWO HARBORS INVESTMENT CORP.,

Defendant.

Case No. 1:20-cv-05649-LAK-BCM

**~~STIPULATION AND PROPOSED~~ ORDER EXTENDING SCHEDULE AND  
ENLARGING PAGE LIMITS FOR SUMMARY JUDGMENT AND DAUBERT  
MOTIONS**

WHEREAS, on February 23, 2022, this Court entered a Civil Case Management Plan and Scheduling Order, ECF No. 110 (the “Scheduling Order”), on consent of Plaintiffs (together, “Pine River”) and Defendant Two Harbors Investment Corp. (“Two Harbors”) (collectively, the “Parties”);

WHEREAS, on September 19, 2022, the Court extended all remaining deadlines by 30 days (excluding weekends and holidays), ECF No. 180, on consent of the Parties, based on the resolution of a number of discovery disputes before the Court;

WHEREAS, on December 20, 2022, the Court further extended all deadlines remaining by 45 days, ECF No. 246, on consent of the Parties, pending the resolution of a number of discovery disputes before the Court;

WHEREAS, on January 27, 2023, the Court further extended all deadlines remaining by 90 days, ECF No. 270, on consent of the Parties;

WHEREAS, on April 20, 2023, the Court ordered that (1) Two Harbors may reopen the

deposition of Phil Prince for no more than three additional hours of questioning limited to no more than 12 Post-Termination Documents and/or issues as to which those documents shed additional light and (2) no later than April 27, 2023, the parties shall submit a proposed order resetting certain deadlines, ECF No. 292;

WHEREAS, on April 28, 2023, the Court further extended all deadlines remaining by 17 days, ECF No. 298, on consent of the Parties.

WHEREAS, on June 15, 2023, the Court further extended all deadlines remaining by approximately 57 days, ECF No. 325 (the “Amended Scheduling Order”);

WHEREAS, on September 19, 2023, the Court further extended the deadline for the completion of expert discovery to October 3, 2023, ECF No. 331, to permit the parties to take the depositions of Mr. Michael Wirth, Mr. Steven Kursh, and Dr. David Lynn;

WHEREAS, the parties have disclosed, collectively, 17 experts in this litigation, and the final expert deposition was completed on October 3, 2023, less than four weeks before the current deadline for motions pursuant to Fed. R. Civ. P. 56, Daubert motions, and motions to strike;

WHEREAS, the parties have met and conferred in good faith via email and on a telephone conference on October 12, 2023 concerning a brief extension of the deadlines for briefing on motions pursuant to Fed. R. Civ. P. 56, Daubert motions, and motions to strike, and an enlargement of the page limits pertaining to such briefing;

WHEREAS, the Parties agree that, in light of the number of experts disclosed in this litigation, the number of pending claims and counterclaims, and the amount in controversy, a brief extension of the deadline for briefing on motions pursuant to Fed. R. Civ. P. 56, Daubert motions, and motions to strike is warranted;

WHEREAS, the parties also agree that an enlargement of the page limits pertaining to such briefing is warranted;

WHEREAS, the Parties agree that no other deadline will be modified other than the deadlines for briefing on motions pursuant to Fed. R. Civ. P. 56, Daubert motions, and motions to strike.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Parties to this action, subject to approval of the Court, as follows:

1. Upon this Court's approval of this Stipulation, the only new deadlines shall be as follows:

a. Motions pursuant to Fed. R. Civ. P. 56, *Daubert* motions, and motions to strike shall be filed no later than November 8, 2023. Any opposition to such a motion shall be filed no later than December 20, 2023. Any reply shall be filed no later than January 25, 2024.

2. The deadline set forth in Paragraphs 1(a) will not affect any other deadline set forth in the Amended Scheduling Order.

3. The page limits for motions for summary judgment and *Daubert* motions/motions to strike are modified as follows:

For *Daubert* motions, each party may have up to 10 pages per challenged expert for their principal briefs, up to a maximum of 75 pages.

a. Each party may file one omnibus *Daubert* motion/motion to strike expert testimony. ~~Briefs in support of each such motion may not exceed 80 pages.~~  
~~Briefs in opposition to each such motion may not exceed 80 pages.~~ Reply briefs in support of each such motion may not exceed 35 pages.

b. Each party may file one omnibus motion for summary judgment. Briefs in support of each such motion may not exceed <sup>50</sup>~~60~~ pages. Briefs in opposition

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to each such motion may not exceed ~~60~~ pages. Reply briefs in support of each such motion may not exceed 25 pages.

4. The deadlines set forth in this Stipulation may not be modified or the dates herein extended except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein shall be made in a written application in accordance with this Court's Individual Rules of Practice.

5. Nothing in this Stipulation shall be (1) construed as a waiver of any defenses or rights available to the parties, (2) used as evidence regarding the strength or validity of any claim or defense, or (3) used as evidence that any party lacks urgent interest in protecting its trade secrets.

Dated: New York, New York  
October 13, 2023

Pursuant to section 8.5(b) of the Electronic Case Filing Rules & Instructions for the United States District Court for the Southern District of New York, the use of conformed electronic signatures is with the consent of all signatories to this filing.

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*Attorneys for Defendant Two Harbors  
Investment Corp.*

SO ORDERED.



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Hon. Barbara Moses  
United States Magistrate Judge  
October 20, 2023